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In re Application of: Zeev GLOZMAN et al.
Serial No.: 10/647,796
Filed: August 26, 2003
Office Action Mailing Date: September 25, 2007

Examiner: Herng Der DAY
Group Art Unit: 2128
Attorney Docket: 32965

REMARKS

Claims 1, 13-15, 23, and 48 have been currently amended; and new claim 49 has been added herewith.

The application now comprises claims 1-16, 18-39, and 41-49, of which claims 1 and 23 are in independent form.

Drawings

All drawing sheets are in compliance with 37 C.F.R. §1.121(d).

Figures 1 and 11 are enlarged.

"Osteotomy" has been corrected in Figure 11 to the full phrase as requested.

Claim Objections

Independent Claim 1 now has steps c and d.

Claim Rejections – 35 U.S.C. §112

Claim 48 has been amended to depend on claim 23.

Claim Rejections – 35 U.S.C. 103

Examiner Herng Der Day rejected claims 1-16, 18-39, and 41-48 under 35 U.S.C. §103(a), as being rendered obvious by Krause et al. (US Patent No. 6,711,432), in view of Kenet et al. (US Patent No. 5,016,173).

Amendments to claims 1 and 23 have been entered to overcome the Examiner rejections.

Applicants are thanked for his highly pertinent comments in his response to arguments, which have helped to clarify the issues.

Examiner has clarified that "it is not Krause's final surgical plan but Krauze's original surgical plan which anticipates the argued limitation." It is respectfully pointed out that the preliminary surgical plan of Krause merely provides the "required location/ orientation of the osteotomy and the ideal location and a tolerance zone for the markers 110 to be placed on the patient's bone" col. 11 lines 50-54.

Applicants have thus amended the main claims to recite:

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"...rearranging of said segments from said original arrangement to simulate said result within said anatomical structure so that calibrated output images comprising said rearranged organ segments..." are produced.

That is to say, the present application teaches segmenting initial imaging of the operation area into image segments. The image segments are then rearranged. The rearranged segments then form an output image which represents the operation plan.

The basis for the amendment is paragraph 013 feature b, segmenting and manipulating the image segments to simulate a desired result.

Krause never teaches a pre-operation planning procedure that involves taking an image, segmenting the image and then rearranging the segments. His preplanning procedure merely involves marking locations suitable for intervention.

Even during the operation itself Krause does not teach manipulation of segments to simulate a desired result. Krause column 6 lines 52-57 simply teaches segmenting out the individual organs, thus finding the boundaries of the bone. Krause in column 17 lines 34-40 merely teaches rearrangement of the *actual bone* segments during the operation. There is no rearrangement of the image segments to plan the operation.

Therefore neither Krause's preplanning nor his carrying out of the operation teaches manipulation of image segments to rearrange the organ and thus plan the operation. Krause therefore does not even hint at the claimed combination through allowing the reader to combine his pre-operation planning with his operation procedure.

For all of the above reasons it is thus respectfully submitted that amended claims 1 and 23 are clearly novel and inventive and thus allowable over the prior art cited. The remaining claims are believed to be allowable as being dependent on either one of claims 1 and 23.

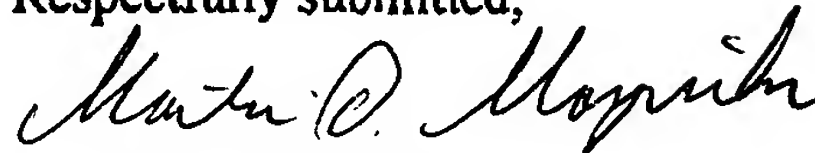
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Drawing and Claim objections have been overcome as noted above.

An early Notice of Allowance is respectfully requested.

Respectfully submitted,



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Date: February 25, 2008

Enclosures:

- Petition for Extension of Time (2 Months);
- Amendment Transmittal;
- Letter To Chief Draftsman;
- 1 Sheet of Annotated Marked-Up Drawing;
- Formal Drawing Transmittal Sheet; and
- 12 Sheets of Replacement Drawings



Fig. 11

